Draft Scheme for Control Mechanism of Mercury contained Compact Fluorescent Lamp (CFL) as per the Hon'ble National Green Tribunal Order dated 01.12.2015 in OA No. 188/2014 in the matter of Toxics Links Vs. Union of India and others.

In OA No. 188/2014, an affidavit dated 04.01.2016 on behalf of the Ministry of Environment, Forest & Climate Change was filed as per the order dated 01.12.2015 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi, wherein the draft scheme for control mechanism on mercury contained CFL was proposed. The Hon'ble Tribunal vide order dated 04.02.2016 has directed the Ministry to upload the draft scheme on the website of this Ministry so that anybody interested can download the same. In accordance to the aforesaid order, the draft scheme is mentioned here under:-

1. The recovery/recycling/disposal of mercury from used CFLs or other mercury lamp needs to be regulated. The first and the main problem in this regulation would be the collection of used CFLs in view of the very large number of consumers and very vast areas including remote locations. The most practical option for collection of the used CFLs seems to be bringing the same under the Extended Producer Responsibility (EPR).
2. The Producers of Compact Fluorescent Lamps (CFLs) or other mercury containing lamp may be given EPR to facilitate collection, storage, channelization and recovery/disposal. Under EPR scheme, they may reimburse the cost for collection, transportation and recovery/disposal.

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3. The proposed mechanism for implementing the EPR can be in line with the scheme already proposed by ELCOMA for CFL manufactured prior to 2010. According to this, the consumer or any other person who is returning the used CFL to the dealer will get a discount of Rs. 10/- on the purchase of a new CFL or LED. It is suggested that a similar scheme should be implemented for all CFLs or other mercury containing lamp irrespective of the date of manufacturing and without necessity for further purchase of new CFL or LED or other mercury containing lamp.

4. All the CFLs or other mercury containing lamp from the dealers can then be collected in a Collection Centre to be established by the Producers. From the Collection Centers the CFLs or other mercury containing lamp can be sent to recyclers for recovery or directly to TSDF for appropriate disposal, in case of absence of recycling facility.

5. Cash incentives may be passed on to consumers when they return the end of life CFLs or other mercury containing lamp to dealer as part of EPR. Cash incentive should be given to all consumers whether they replace it with LED or not and to other persons who return it at collection centre.

6. The Producers should be ordered to spread awareness about the menace of mercury and print its effect on the carton or packet with the detail of cash incentive.

7. Neighborhood collection centers may be set-up in various wards or mohallas by Producers, which will facilitate collection, safe storage and transfer of CFL or other mercury containing lamp.

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8. Collection and transportation of waste from collection center shall be carried out only in authorized vehicles of Treatment, Storage and Disposal Facility (TSDF) for Hazardous waste or from common recovery facilities.

9. For disposal in TSDF a pre-treatment of CFLs or other mercury containing lamps is necessary to immobilize the mercury and to reduce the volume of waste to be disposed of.

10. Authorization may not be required for any person who intends to dispose CFL or other mercury containing lamp at TSDFs or common recovery facilities.

11. Lightening equipment are Electrical and Electronic Equipment (EEE); the "Producer" of CFLs or other mercury containing lamps as per the definition given under Chapter 1, Section 3(q) of e-waste rules means:

"producer means any person who, irrespective of the selling technique used;

(i) manufactures or offers to sell electrical and electronic equipment under his own brand; or

(ii) offers to sell his own brand, assembled electrical and electronic equipment produced by other manufacturers or suppliers; or

(iii) offers to sell imported electrical and electronic equipment;"

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